

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently amended) A ~~business~~ method comprising:  
creating an agreement between a first entity and a second entity to provide a data protection service to a third entity, wherein the first entity purchases a data protection service from the second entity for data stored on a storage medium of use by the third entity; ~~[[and]]~~  
creating an insurance agreement between the first entity and the third entity, wherein the insurance agreement provides that the first entity will insure the third entity for losses arising out of lost data, ~~wherein the insurance agreement~~ and authorizes the third entity to use the data protection service provided by the second entity, wherein the third entity does not pay a premium to the first entity, beyond what the first entity would charge for providing insurance without the data protection services; and  
creating an electronic backup copy of the third entity's data by the data protection service on a storage medium of the second entity according to the agreements.
2. (Original) A method according to claim 1, wherein the insurance agreement requires the third entity to use the data protection service provided by the second entity.
3. (Original) A method according to claim 1, wherein the first entity's insurance of the third entity against losses arising of data loss is at least partially contingent upon the third entity's using predetermined services provided by the

second entity.

4. (Original) A method according to claim 3, wherein the predetermined services are specified in the insurance agreement.

5. (Original) A method according to claim 1, wherein the identity of the second entity is specified in the insurance agreement.

6. (Original) A method according to claim 1, wherein the data protection service is a data backup service, and further comprising:

creating a backup copy of the third entity's data at a location controlled by the second entity; and

generating, after a loss of the third entity's data, a further copy of the third entity's data from the backup copy.

7. (Original) A method according to claim 6, wherein the data backup service is an online data backup service.

8. (Original) A method according to claim 1, and further comprising providing compensation from the first entity to the second entity in return for the second entity's provision of data protection services to the third entity.

9. (Canceled)

10. (Currently amended) A loss mitigation tool for an insurer that insures an insured entity, wherein the insurer purchases a data protection service from a second entity for use by the insured entity, the loss mitigation tool comprising:

an insurance agreement between the insurer and the insured entity, wherein the insurance agreement provides insurance to the insured entity for losses arising out of lost data, ~~and wherein the insurance agreement~~ and includes a data protection provision under which the insured entity is allowed to use the data

protection service,

wherein the insurer compensates the second entity for providing the data protection service to the insured entity, and

wherein the insured entity does not pay compensation for the provision of the data protection service beyond what the insurer would charge for insuring the insured entity against losses arising out of lost data without data protection services; and

an electronic backup copy of the insured entity's data is created by the data protection service on a storage medium of the second entity according to the agreements.

11. (Original) A loss mitigation tool according to claim 10, wherein the insurance agreement requires the insured entity to use the data protection service provided by the second entity.

12. (Original) A loss mitigation tool according to claim 10, wherein the insurance agreement makes the insured entity's recovery from the insurer for losses arising out of lost data at least partially contingent upon the insured entity's use of the predetermined data protection services provided by the second entity.

13. (Original) A loss mitigation tool according to claim 10, wherein the identity of the second entity is specified in the insurance agreement.

14. (Original) A loss mitigation tool according to claim 10, wherein the data protection service is a data backup service, and the data backup service comprises:

apparatus operable to create a backup copy of the insured entity's data at a location controlled by the second entity; and

apparatus operable to generate a copy of the insured entity's data from the

backup copy.

15. (Original) A loss mitigation tool according to claim 14, wherein the data backup service is an online data backup service.

16. (Canceled)

17. (Currently amended) A loss mitigation tool according to claim ~~[[16]]~~ 15, wherein the insurance agreement includes a condition that the insured entity is responsible for using the data protection service if the insured entity is to recover under the insurance agreement, and wherein the insurance is not provided if the condition is not satisfied.

18. (Currently amended) An insurance system comprising:

a data protection service provider device;

~~an insurer, wherein the data protection service provider device provides insurer acquires data protection services to an insurer from the data protection service provider for use by the insurer's insureds; [[and]]~~

wherein the data protection services are acquired by the insurer and used by an entity that is insured by the insurer against losses arising from lost data based on an insurance agreement between the insurer and the insured, and

wherein the insured does not pay a premium to the insurer, beyond what the insurer would charge for providing insurance without the provision of data protection services ~~an insured that is insured by the insurer against losses arising out of lost data, wherein an insurance agreement between the insurer and the insured allows the insured to use the data protection services acquired by the insurer.~~

19. (Original) An insurance system according to claim 18, wherein the insurance agreement requires the insured to use the data protection service

provided by the data protection service provider.

20. (Original) An insurance system according to claim 18, wherein the insurance of the insured against losses arising out of lost data is at least partially contingent upon the insured's using predetermined data protection services provided by the data protection service provider.

21. (Original) An insurance system according to claim 20, wherein the predetermined data protection services are specified in the insurance agreement.

22. (Original) An insurance system according to claim 18, wherein the data protection service provider provides a data backup service, and further comprising:  
apparatus operable to create a backup copy of the insured's data at a location controlled by the data protection service provider; and  
apparatus operable to generate, after a loss of the insured's data, a further copy of the insured's data from the backup copy.

23. (Original) An insurance system according to claim 22, wherein the data backup service is an online data backup service.

24. (Original) An insurance system according to claim 18, wherein the insurer compensates the data protection service provider for allowing the insured to use the data protection services.

25. (Canceled)

26. (Currently amended) A business method comprising:  
creating an insurance agreement between an insurer and an insured, wherein the insurance agreement provides that the insurer will insure the insured for losses arising out of lost data stored on a storage medium of the insured, and wherein the insurance agreement requires the insured to use a data protection service provided

by a data protection service provider; and

creating a data protection service agreement between the insured and the data protection service provider, wherein the data protection service agreement provides that the data protection service provider will provide a data protection service to the insured;

creating an electronic backup copy of the insured's data by the data protection service provider on a storage medium of the data protection service provider according to the agreements;

wherein the insurance agreement provides that the insurer will charge the insured a reduced premium for the insurance, contingent upon the insured's using the data protection service.

27. (Canceled)

28. (Original) A method according to claim 26, wherein the identity of the data protection service provider and the nature of the data protection service are specified in the insurance agreement.

29. (Original) A method according to claim 26, wherein the data protection service is a data backup service, and further comprising:

creating a backup copy of the insured's data at a location controlled by the data protection service provider; and

generating, after a loss of the insured's data, a further copy of the insured's data from the backup copy.

30. (Original) A method according to claim 29, wherein the data backup service is an online data backup service.

31. (Original) A method according to claim 26, wherein the insured's recovery

for losses arising out of lost data is at least partially contingent upon the insured's use of the data protection service.

32. (Currently amended) A ~~business~~ method comprising:

creating an insurance agreement between an insurer and an insured, wherein the insurance agreement provides that the insurer will insure the insured for losses arising out of lost data, and wherein the insurance agreement requires the insured to use a data protection service provided by a data protection service provider;

creating a data protection service agreement between the insured and the data protection service provider, wherein the data protection service agreement provides that the data protection service provider will provide a data protection service to the insured;

creating an electronic backup copy of the insured's data by the data protection service provider on a storage medium of the data protection service provider according to the agreements; and

creating an agreement between the insurer and the data protection service provider that provides ~~for at least one of:~~

compensation from the data protection service provider to the insurer for the insurer's requirement that the insured use the data protection service; ~~and~~

~~a discount in the amount normally charged by the data protection service provider for providing the data protection service.~~

33. (Original) A method according to claim 32, wherein the insurance agreement requires the insured to purchase the data protection service from the data protection service provider.

34. (Original) A method according to claim 32, wherein the insured's recovery

for losses arising out of lost data is at least partially contingent upon the insured's use of the data protection service.

35. (Original) A method according to claim 32, wherein the data protection service is a data backup service, and further comprising:

creating a backup copy of the insured's data at a location controlled by the data protection service provider; and

generating, after a loss of the insured's data, a further copy of the third entity's data from the backup copy.

36. (Original) A method according to claim 35, wherein the data backup service data backup service.

37. (Currently amended) A business method comprising:

creating an agreement between a provider and a data owner wherein the agreement includes:

an data protection provision under which the provider agrees to provide a data protection service to the data owner; and

an insurance provision under which the provider agrees to insure the data owner for losses arising out of data loss by the data owner,

creating an electronic backup copy of the data owner's data by the data protection service on a storage medium of the data protection service according to the agreement;

wherein the data owner does not pay a premium to the provider, beyond what the provider would charge for providing insurance without the provision of the data protection services.

38. (Original) A method according to claim 37, wherein the insurance provision



requires the data owner to use the data protection service.

39. (Original) A method according to claim 37, wherein the provider's insurance of the data owner against losses arising of data loss is at least partially contingent upon the data owner's using predetermined data protection services provided by the provider.

40. (Original) A method according to claim 39, wherein the predetermined services are specified in the agreement.

41. (Original) A method according to claim 37, wherein the data protection service is a data backup service, and further comprising:

creating a backup copy of the data owner's data at a location controlled by the provider; and

generating, after a loss of the data owner's data, a further copy of the data owner's data from the backup copy.

42. (Original) A method according to claim 41, wherein the data backup service is an online data backup service.

43. (Canceled)

44. (Currently amended) A loss mitigation tool for an insurer that insures an insured entity, wherein the insurer provides a data protection service for use by the insured entity, the loss mitigation tool comprising:

an insurance agreement between the insurer and the insured entity, wherein the insurance agreement provides insurance to the insured entity for losses arising out of lost data, and wherein the insurance agreement includes a data protection provision under which the insured entity is allowed to use the data protection service;

an electronic backup copy of the insured entity's data is created by the data protection service on a storage medium of the data protection service according to the agreement,

wherein the insured entity does not pay for the provision of the data protection service beyond what the insurer would ordinarily charge for insuring the insured entity against losses arising out of lost data without the data protection service.

45. (Original) A loss mitigation tool according to claim 44, wherein the insurance agreement requires the insured entity to use the data protection service.

46. (Original) A loss mitigation tool according to claim 44, wherein the insurance agreement makes the insured entity's recovery from the insurer for losses arising out of lost data at least partially contingent upon the insured entity's use of the predetermined data protection services.

47. (Original) A loss mitigation tool according to claim 44, wherein the data protection service is a data backup service, and the data backup service comprises:  
apparatus operable to create a backup copy of the insured entity's data at a location controlled by the insurer; and

apparatus operable to generate a copy of the insured entity's data from the backup copy.

48. (Original) A loss mitigation tool according to claim 47, wherein the data backup service is an online data backup service.

49. (Canceled)

50. (Currently amended) A loss mitigation tool according to claim ~~[[49]]~~ 44, wherein the insurance agreement includes a condition that the insured entity is

responsible for using the data protection service if the insured entity is to recover under the insurance agreement, and wherein the insurance is not provided if the condition is not satisfied.

51. (Currently amended) An insurance and data protection system comprising:

a provider; and

a data owner;

wherein the provider provides a data protection service device to the data owner; and

wherein the provider insures the data owner against losses arising out of lost data,

an electronic backup copy of the data owner's data is created by the data protection service device on a storage medium according to the agreements,

wherein the data owner does not pay a premium to the provider, beyond what the provider would charge for providing insurance without the provision of the data protection service.

52. (Original) A system according to claim 51, wherein the data owner is required by the provider to use the data protection service.

53. (Original) A system according to claim 51, wherein the insurance of the data owner against losses arising out of lost data is at least partially contingent upon the data owner's using predetermined data protection services provided by the provider.

54. (Original) A system according to claim 51, wherein the provider provides a data backup service, and further comprising:

apparatus operable to create a backup copy of the data owner's data at a location controlled by the provider; and

apparatus operable to generate, after a loss of the data owner's data, a further copy of the data owner's data from the backup copy.

55. (Original) A system according to claim 54, wherein the data backup service is an online data backup service.

56. (Canceled)

57. (New) A method according to claim 32, wherein the data protection service agreement requires a discount in the amount normally charged by the data protection service provider for providing the data protection service.